

REMARKS/ARGUMENTS

Reconsideration of this application is requested. Claims 1, 3-38, 47-49, and 52-65 are in the case.

I. INFORMATION DISCLOSURE STATEMENT

It is noted that certain references listed in the IDS are crossed out and not considered because they are not found in the parent applications. Applicants will submit copies of these references shortly by way of a Supplemental IDS.

II. CLAIM OBJECTIONS

Claim 1 has been objected to in view of certain misspellings. Those have been corrected in the present response.

III. THE 35 U.S.C. §101 REJECTION

Claim 1 stands rejected under 35 U.S.C. §101 as allegedly claiming the same invention as that of claim 45 of U.S. Patent 6,262,028. In response, and without conceding to the merit of this rejection, claim 1 has been amended to incorporate the subject matter of claim 2, and claim 2 has been cancelled without prejudice. Withdrawal of the same invention double patenting rejection is accordingly respectfully requested.

IV. THE 35 U.S.C. §112, SECOND PARAGRAPH REJECTION

Claims 1-38, 53 and 56-58 stand rejected under 35 U.S.C. §112, second paragraph, as allegedly indefinite for the reasons detailed on pages 4 and 5 of the Action. This rejection is respectfully traversed.

Claims 1-38 stand rejected as indefinite as to what an effective amount of acetylsalicyclic acid and a compound of formula I would do. This rejection is not understood.

The invention as claimed is directed to a pharmaceutical formulation, and it is clear from the description that the combinations as claimed are suitable for use in inhibiting thrombin and therefore for treating diseases in which such inhibition is required. It is believed that it is not necessary to specify the intended use of the pharmaceutical formulations as claimed. In this regard, it is noted that claim 45 of U.S. Patent 6,262,028 (an earlier case in the same family as the present application) was not objected to for this reason (claim 45 of the '028 patent reads as follows: "A pharmaceutical formulation comprising an effective amount of acetylsalicyclic acid and a compound of formula I is defined in claim 1."). Withdrawal of this aspect of the formal rejection is accordingly respectfully requested.

Claims 10, 11, 14, 17 and 21-23 are rejected as allegedly indefinite because of the terms "may be" and "partially cyclic". In response, with regard to "may be", while one of ordinary skill would have no difficulty in understanding what is mean by that expression, the language "may be" has been replaced by "is optionally".

With regard to the expression "partially cyclic", again one of ordinary skill would have absolutely no difficulty in understanding what is meant by this expression. In

particular, attention is directed to the specification, for example at page 6, line 8, where partially cyclic is defined. Again, as evidence of the suitability of this language, the Examiner's attention is directed to claim 10 of U.S. Patent 6,262,028 where the same language appears.

Claim 53, together with claims 56-58, are rejected as allegedly indefinite because the claim does not define R^1 and R^2 in Formula I. In response, claim 53 has been amended to refer back to the compound of Formula I as defined in claim 1. Withdrawal of this aspect of the rejection is respectfully requested.

Claim 57 is rejected as allegedly containing insufficient antecedent basis for the limitation "separate...use" in line 2. In response, the complete language appearing in claim 57 is "...are suitable for sequential, separate and/or simultaneous use in the treatment of ...". The combination as claimed in claim 53 could also be "suitable for" separate use and therefore sufficient basis appears for this language. The Examiner's attention is directed to claim 38 of U.S. Patent 6,984,627 where language similar to this appears and was found to be acceptable.

Based on the above, it is believed that withdrawal of the outstanding 35 U.S.C. §112, second paragraph, rejection is now believed to be in order. Such action is respectfully requested.

V. OBVIOUSNESS-TYPE DOUBLE PATENTING

Claims 1-38 and 52-58 stand rejected on obviousness-type double patenting grounds as allegedly unpatentable over claims 1-39 and 45 of U.S. Patent 6,262,028. Claims 1, 10-13, 31-35, 37 and 52-58 are rejected on obviousness-type double

ANTONSSON et al
Appl. No. 10/776,245
January 25, 2007

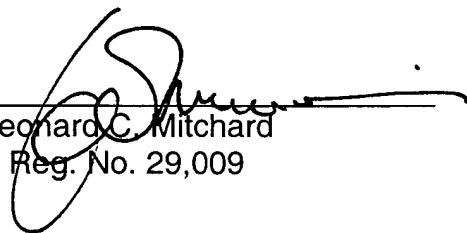
patenting grounds as allegedly unpatentable over claims 1-14 of U.S. Patent 6,262,028.
In response, a Terminal Disclaimer will be submitted when an indication of allowability is received in this case and it is confirmed that obviousness-type double patenting still exists with respect to the claims as allowed.

Favorable action on this application is awaited.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: _____


Leonard C. Mitchard
Reg. No. 29,009

LCM:lfm
901 North Glebe Road, 11th Floor
Arlington, VA 22203-1808
Telephone: (703) 816-4000
Facsimile: (703) 816-4100